IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:- 19.06.2006

Coram:-

The Hon'ble Mr. Justice P.SATHASIVAM
and
The Hon'ble Mr. Justice V.DHANAPALAN

Habeas Corpus Petition No.246 of 2006

Settu ... Petitioner

vs.

1. The District Magistrate and
District Collector, Vellore District
at Vellore.

2. The Secretary to Government,
Government of Tamil Nadu,
Prohibition and Excise Department,
Fort St. George, Chennai-9. ... Respondents

Petition under Article 226 of the Constitution of India for the issuance of Writ of Habeas Corpus to call for the records of the first respondent in C.3.D.O.9/06, set aside the order of detention passed therein dated 21.1.06, direct the respondents herein to produce the detenu by name Chinnakutti, S/o.Saminathan, now detained in Central Prison, Vellore, before this Court and set him at liberty.

For Petitioner : Mr.K.Selvarangan
For Respondents : Mr. M.Babu Muthu Meeran,
Addl. Public Prosecutor.

O R D E R

(Order of the Court was made by P.SATHASIVAM, J.)

The petitioner challenges the detention order, dated 21.01.2006, detaining his brother-in-law by name Chinnakutti as 'Bootlegger' as contemplated under the Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Drug Offenders, Forest Offenders, Goondas, Immoral Traffic Offenders, Slum Grabbers and Video Pirates Act, 1982 (Tamil Nadu Act 14 of 1982).

2. Heard learned counsel for the petitioner as well as

WEB COPY

https://hcservices.ecourts.gov.in/hcservices/

learned Additional Public Prosecutor for the respondents.

3. At the foremost, learned counsel for the petitioner submitted that there was inordinate delay in disposal of the representation of the detenu.

The particulars furnished by the learned Additional Public Prosecutor show that the representation of the detenu was received by the Government on 06.02.2006, remarks were called for on 07.02.2006 and the same were received from the Sponsoring Authority on 28.02.2006. Thereafter, File was dealt with by the Under Secretary and Deputy Secretary on 02.03.2006. Finally, the Minister for Prohibition and Excise passed orders on 03.03.2006. However, the rejection letter was prepared only on 08.03.2006. The said letter was sent to the Central Prison for service on 09.03.2006 and served to the detenu on 11.03.2006.

4. As rightly pointed out by the learned counsel for the petitioner, though the competent authority, viz., Minister for Prohibition and Excise, passed orders on 03.03.2006, there is no reason for taking time till 08.03.2006 for preparation of the rejection letter. In the absence of proper explanation, even if we exclude the intervening holidays on Saturday and Sunday, we hold that the delay is on the higher side, which caused prejudice to the detenu in considering his representation effectively. On this ground, the impugned order of detention is quashed.

5. Accordingly, the Habeas Corpus Petition is allowed and the impugned order of detention is set aside. The detenu is directed to be set at liberty forthwith from the custody unless he is required in some other case or cause.
JI.

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

WEB COPY

https://hcservices.ecourts.gov.in/hcservices/

To

1. The Secretary to Government, Prohibition and Excise Department, Fort St. George, Chennai 600 009.
2. The District Magistrate and District Collector, Vellore.
3. The Superintendent, Central Prison, Vellore.
   (In duplicate for communication to detenu)
4. The Joint Secretary to Government, Public (Law and Order)
   Fort St. George, Chennai-9.
5. The Public Prosecutor, High Court, Madras.

+ one cc to Mr. K. Selvarangan, Advocate sr no. 25701

MAB(CO)
NM(03.07.2006)

HCP. No.246 of 2006

WEB COPY

https://hcservices.ecourts.gov.in/hcservices/